

**JERRY B. WHITTINGTON,**

**Plaintiff,**

**Vs.**

**MICHAEL J. ASTRUE, Commissioner  
of Social Security,**

**Defendant.**

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**ORDER**


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## ORDER

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED** without prejudice as to the refiling by plaintiff either *pro se* or with the assistance of another attorney within sixty (60) days of the filing of this Order.

Counsel for plaintiff shall notify his client of the entry of this Order and advise such client of the refiling rights as outlined in this Order. Counsel shall also provide such client with a list of other attorneys in the Asheville Division who provide representation in Social Security appeals. Further, counsel for plaintiff shall with such notice provide the client with a copy of the client's file without charge.

Signed: January 9, 2009



Dennis L. Howell  
United States Magistrate Judge

